



00862.022404

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
: Examiner: Daniel D. Abebe  
KENICHI FUJII ET AL. )  
: Group Art Unit: 2655  
Application No.: 09/972,996 )  
:   
Filed: October 10, 2001 )  
:   
For: SPEECH RECOGNITION SYSTEM, ) May 15, 2006  
SPEECH RECOGNITION APPARATUS, :  
AND SPEECH RECOGNITION METHOD )

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.181(a)  
TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON NON-RECEIPT OF NOTICE OF ALLOWANCE

Sir:

A Notice of Abandonment issued on April 14, 2006 in the above-identified application, stating that the application has been abandoned because Applicants did not timely pay the issue fee and publication fee within the statutory period of three months from the mailing date (November 16, 2005) of the Notice of Allowance.

Applicants hereby petition to withdraw the holding of abandonment because Applicants never received the Notice of Allowance mailed on November 16, 2005.

In accordance with the requirements of M.P.E.P. § 711.03(c)I.A., a statement of the undersigned practitioner that the Notice of Allowance was not received by him and

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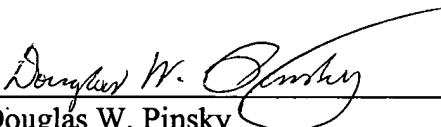
attesting to the fact that a search of the file jacket and docket records indicates that the Notice of Allowance was not received, and a copy of the docket records where the non-received Notice of Allowance would have been entered had it been received and docketed, are submitted herewith.

In addition, the undersigned practitioner has contacted the firm's docketing clerk, Mark Chanderdatt, in the firm's New York office to determine whether the November 16, 2005 Notice of Allowance was received from the Patent and Trademark Office. Mr. Chanderdatt has reviewed the firm's docketing records and confirms that the Notice of Allowance was not received. A Declaration by Mark Chanderdatt is also submitted herewith.

The Commissioner is hereby authorized to charge Deposit Account No. 06-1205 for any fee that may be associated with the filing of this paper.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
\_\_\_\_\_  
Douglas W. Pinsky  
Attorney for Applicants  
Registration No. 46,994

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

DWP/klm



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P.O. Box 1450  
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STATEMENT BY DOUGLAS W. PINSKY  
UNDER MPEP § 711.03(c)I.A.

Sir:

I, the undersigned DOUGLAS W. PINSKY, declare and say that:

1. I am an associate in the Washington, D.C. office (1900 K St., N.W., Washington, D.C. 20006) of the law firm of Fitzpatrick, Cella, Harper & Scinto ("our firm"), whose main office is located at 30 Rockefeller Plaza, New York, New York 10112. I have been with our firm since October, 2000.

2. I have searched the file jacket for the above-identified application and our firm's docketing records and have concluded that these records indicate that a Notice of

Allowance, allegedly mailed by the Patent and Trademark Office on or about November 16, 2005, for the above-identified application, has not been received by our firm.

3. More specifically, I have reviewed our firm's docketing records for February 16, 2005, the day on which a response to the Notice of Allowance was due and the record where an entry for a response would have been entered had our firm received the mailed Notice of Allowance. After reviewing our firm's docketing records for February 16, 2005, I have determined that no entry for a response to the Notice of Allowance was entered and therefore have concluded that the mailed Notice of Allowance was not received by our firm. A copy of our firm's docketing records for February 16, 2005, is submitted herewith. It is noted that portions of those docketing records have been redacted to prevent disclosure of confidential information.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title XVIII of United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Dated May 15, 2006

  
\_\_\_\_\_  
DOUGLAS W. PINSKY



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PATENT APPLICATION

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In re Application of:	)	
	:	Examiner: Daniel D. Abebe
KENICHI FUJII ET AL.	)	
	:	Group Art Unit: 2655
Application No.: 09/972,996	)	
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Filed: October 10, 2001	)	
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For: SPEECH RECOGNITION SYSTEM,	)	
SPEECH RECOGNITION APPARATUS,	:	
AND SPEECH RECOGNITION METHOD	)	

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF MARK CHANDERDATT

Sir:

I, the undersigned MARK CHANDERDATT, declare and say that:

1. I am in charge of docketing at the law firm of Fitzpatrick, Cella, Harper & Scinto ("our firm"), 30 Rockefeller Plaza, New York, New York 10112, and have been with the firm since April, 1996.

2. I have checked our firm's docketing records to determine whether a Notice of Allowance, allegedly mailed by the Patent and Trademark Office on November 16, 2005, has been received by our firm for the above-identified application.

3. I have reviewed our firm's computerized docketing records relating to this case and conclude that a Notice of Allowance mailed November 16, 2005, has not been received by our firm for the above-identified application.

4. More specifically, I have reviewed our firm's master docket for February 16, 2005. Based on my review of the docket records, it is my conclusion that our firm has not received a Notice of Allowance mailed November 16, 2005, for the above-identified application.

5. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title XVIII of United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Dated

5-12-2006

  
MARK CHANDERDATT

DC\_MAIN 240474v1

# MASTER DOCKET - From 020106 to 022106

Print : 1/25/2006 2:33:08

Page 89

Due Date	Docket Number	Attorney	Action	Application No
2/16/2006	01687-01188	<i>Request For Reconsideration by Hand Per ESH on 2/14/06</i>		
Remarks	(NO RECORD BEFORE 4/04) EMAIL 050504 - NO FOREIGN FILING;			10/641651
2/16/2006	03686-00009	<i>Benchedsky, Jonathan</i>	Convention Check	
Remarks	(BASED ON PVL APPLN) (MPS) Country of Origin - USA LastUpdate - 03-09-2005			
2/16/2006	00137-00006	<i>DeLucia, Frank A.</i>	Foreign Filing 1 month reminder	90/007467
Remarks	(COPY AMZ) RX 5494885 OF 022796 BY DAI NIPPON PRINT.CO. (GENERAL CO); FX 011805 - FILE REX ASAP; FX 030905 LastUpdate - 04-07-2005			
2/16/2006	03500.014318.1	<i>DeLucia, Frank A.</i>		
Remarks	#2879; (EXP04); 1.53B DIV - PATA/ALW=158; PTA/ALW=158; PTA/IFN=158; PTA/LP=158; Country of Origin - JAPAN LastUpdate - 02-17-2005			
2/16/2006	03500.014318.1	<i>DeLucia, Frank A.</i>		
Remarks	#2879; (EXP04); 1.53B DIV - PATA/ALW=158; PTA/ALW=158; PTA/IFN=158; PTA/LP=158; Country of Origin - JAPAN LastUpdate - 02-17-2005			
2/16/2006	03500.017553.	<i>DeLucia, Frank A.</i>		
Remarks	#2821; (EXP04) FLOPPY RCD Y/APLN; PTA/ALW=0; PTA/IFN=0; PTA/LP=0; Country of Origin - JAPAN LastUpdate - 02-17-2005			
2/16/2006	03500.017553.	<i>DeLucia, Frank A.</i>		
Remarks	#2821; (EXP04) FLOPPY RCD Y/APLN; PTA/ALW=0; PTA/IFN=0; PTA/LP=0; Country of Origin - JAPAN LastUpdate - 02-17-2005			



# MASTER DOCKET - From 020106 to 022106

Print : 1/25/2006 2:33:08

Page 90

Due Date	Docket Number	Attorney	Action	Application No
1/25/2006	03121-000500-1	Can 2/16/06 (Ching dock. # to 03005. 020300.1?)		10421628
Remarks	1.53B DIV - PAR TO ISSUE; #PREVIOUSLY 224.300 DI# OA OF 022805 IS 2 MOS XPQ; PTA=159			
2/4/2006	03121-000500-1	Diffen, Raymond	Notice to File Missing Parts initial deadline	11/27/24690
Remarks	(PE) (BASED ON PVL APPLN) Last Update - 02-18-2005			
2/4/2006	03129-000800-PC	Chack, Daniel S.	PCT 10 month Chapter II Demand Deadline	11/27/24912
Remarks	See above			
2/4/2006	03129-000800-PC	Chack, Daniel S.	Receive copy of published patent specification	11/27/24912
Remarks	N2-81. ~ 3-16.06			
2/4/2006	03300-014270	Chack, Daniel S.	3 month Office Action initial deadline	09/06/0939
Remarks	2ND RCE FILED 111804;			
2/4/2006	03134-006001	Geist, Thomas	Notice to File Missing Parts initial deadline	29/243316
Remarks	No fee den			
2/4/2006	01190-000500	Holmbeck, Elizabeth F.	Next renewal date	08/11/0808
Remarks	Country of Origin - USA Last Update - 06-13-2004			
2/4/2006	00062-002413	Chack, Brian L.	Notice of Appeal due - Last Day	00/09/2177
Remarks	amend after final filed 091305;			



# MASTER DOCKET - From 020106 to 022106

Print: 1/25/2006 2:33:09

Page 91

Due Date	Docket Number	Attorney	Action	Application No
<del>2/16/2006</del>	<del>00862-022413</del>	<del>Klock, Brian L.</del>	<del>Appeal - 3 month extension</del>	<del>00082177</del>
Remarks	amend after final filed 091305;			
2/16/2006	02369.009202.	<del>Klock, Brian L.</del>		
Remarks	#2674; (KEEP AS BLK); 1ST RCE 110802; PTA/IFN=0; FDX 12/14-LP; (#COPY DSG##) Country of Origin - JAPAN LastUpdate - 04-20-2005			
2/16/2006	02369.009202.	<del>Klock, Brian L.</del>		
Remarks	#2674; (KEEP AS BLK); 1ST RCE 110802; PTA/IFN=0; FDX 12/14-LP; (#COPY DSG##) Country of Origin - JAPAN LastUpdate - 04-20-2005			
<del>2/16/2006</del>	<del>03560-003103</del>	<del>Klock, Brian L.</del>	<del>3 month Office Action initial deadline</del>	<del>10252702</del>
Remarks	Amend by hand per JAB on 2/16/06			
<del>2/16/2006</del>	<del>03560-003103</del>	<del>Klock, Brian L.</del>	<del>3 month Office Action initial deadline</del>	<del>10252702</del>
Remarks	Amendment by hand per B/k on 2/15/06			
<del>2/16/2006</del>	<del>03620-002016</del>	<del>Kmetz, Edward J.</del>	<del>Final 3 month Office Action initial deadline</del>	<del>104131289</del>
Remarks	RCE + Amend + IDS by cam per JFT on 2/16/06			
<del>2/16/2006</del>	<del>03620-002016</del>	<del>Kmetz, Edward J.</del>	<del>Final 3 month Office Action initial deadline</del>	<del>104131289</del>
Remarks	FAX 022103 - FILE IN EP/CN/KR/JP; CRT COPIES RCD 0321/032403; LastUpdate - 10-05-2004;			
<del>2/16/2006</del>	<del>03650-002700</del>	<del>Magtayan, John J.</del>	<del>Notice to File Missing Parts Initial deadline</del>	<del>11/274133</del>
Remarks	Dec w/ Sw. + Assignment by cam per JSM on 2/15/06			
<del>2/16/2006</del>	<del>03650-002700</del>	<del>Magtayan, John J.</del>	<del>Notice to File Missing Parts Initial deadline</del>	<del>11/274133</del>
Remarks	(NO MEMO - PARTIAL RECORDS) (BASED ON PVL APPLN)			
<del>2/16/2006</del>	<del>03650-002700</del>	<del>Magtayan, John J.</del>	<del>Notice to File Missing Parts Initial deadline</del>	<del>11/274133</del>
Remarks	Doi. IX			
<del>2/16/2006</del>	<del>03650-002700</del>	<del>Magtayan, John J.</del>	<del>Notice to File Missing Parts Initial deadline</del>	<del>11/274133</del>
Remarks	#2873; (35.C10698 C/D2); #ORIG AMZ; COPY DSG# ##REQ FOR INTF FILED## COPY CLMS RE: PAT 6195207;			

# MASTER DOCKET - From 020106 to 022106

Print : 1/25/2006 2:33:09

Page 92

Due Date	Docket Number	Attorney	Action	Application No
2/16/2006	03560-003282	O'Neil, Jason M	AMEND + 2/16/06	287 219-252
Remarks	<p><i>Amend</i></p> <p><i>Dues OK 6-30 2-15-06</i></p> <p><i>Amendment + IDS w/ \$180.00 by Hand per JFT on 2/16/06</i></p>			
2/16/2006	03560-125975	O'Neil, Jason M	Convention Check	
Remarks				
2/16/2006	00684-002954	Oliver, Justin J	Format Drawings Due	104876530
Remarks	<p>1.53B DIV ; PTA=80; IPT 122205 - Proposed drawings okay;</p> <p><i>Amendment + IDS w/ \$180.00 by Hand per JFT on 2/16/06</i></p>			
2/16/2006	03560-103117	Oliver, Justin J	3 month Office Action initial deadline	114003465
Remarks	<p><i>[Handwritten: 3 month Office Action initial deadline]</i></p> <p><i>Handwritten: 3 month Office Action initial deadline</i></p>			
2/16/2006	00684-003463	O'Neil, Michael K	3 month Office Action initial deadline	11402787
Remarks	<p>1.53b div;</p> <p><i>NO Appeal + Pet 2x by com per JFT on 2/16/06</i></p>			
2/16/2006	03650-001013	O'Neil, Michael K	FINAL 3 month Office Action 3 month extension	104072206
Remarks	<p>#2161; TLCY 021003 - NO FOR FILING; TLCY 112602 - RQ FOR OFR;</p> <p>Last Update - 03-29-2005</p>			
2/16/2006	03650-001048	O'Neil, Michael K	3 month Office Action initial deadline	104161601
Remarks	<p>FX 060303 - NO FRGN FILING;</p> <p><i>Extension per JFT on 2/16/06</i></p>			
2/16/2006	00766-000043	Perry, Lawrence S	3 month Office Action initial deadline	00740728
Remarks	<p>NATL PHASE OF PCT/JP00/01148 OF 022800; 1ST RCE FILED 042704;</p> <p><i>USIT 3-W-06 0-10/1A</i></p>			

# MASTER DOCKET - From 020106 to 022106

Print : 1/25/2006 2:33:09

Page 93

Application No 020106 Dkt # 93

Action

Amend + Pet SK by Hand in SAs on 2/16/05

2/16/2006 0000-01502-1 Pinsky, Douglas W. 3 month Office Action - 2 month extension 1-10/05 02130  
Remarks 1.53B DIV - PAR TO ISSUE; SWS 112505 - prepare & send disclaimer

Amend by hand per SAs on 2/16/05

2/16/2006 0000-01502-1 Pinsky, Douglas W. 3 month Office Action initial deadline 09/08/0757  
Remarks (JOINT ASSIGNEE); 1ST RCE FILED 041604; FEDEX 041205 - ASSIGN

Reminded on 2/16/05

2/16/2006 0000-01502-1 Pinsky, Douglas W. Request for Reconsideration on Petition due 09/04/52818  
Remarks PTA/ALW=0; PTA/IFN = 0 DAYS; FX 020304 - RQ FOR OFR; FEDX 033004 - ORIG LP; M-FEES TO BE PAID BY CPA;

see Bolny

2/16/2006 01997-030500-PC Russo, Alicia A. PGT Int Prelim Exam Request LIS05/12007  
Remarks (NO MEMO - NO RECORDS)

No ASEP. ~ AAAL/Am 2-15-06

2/16/2006 01997-030500-PC Russo, Alicia A. Response to First Written Opinion Due US95/42997  
Remarks (NO MEMO - NO RECORDS)

NI-DCI to 3-16-06

2/16/2006 03500-017167-1 Sexton, Peter Advisory with 2 month extension 10/09/0192  
Remarks FLOPPY & CD-R RCD W/APLN; (NO DWGS); 1ST RCE FILED 042105; Advisory rec'd 1/9/06;

Amend by hand in SAs on 2/16/05

2/16/2006 0000-003300-1 Wamsley, William M. 3 month Office Action initial deadline 11/20/0179  
Remarks 1.53b div; Tlcpy 101105 - amend claims; tlcpy 101105 - amend claims in use; Fax 102005 - Defer filing claims;

Amend by hand in SAs on 2/16/05

2/16/2006 0000-003300-1 Wamsley, William M. 3 month Office Action initial deadline 11/20/0185  
Remarks Tlcpy 101105 - amend claims; Fax 102005 - Send draft claims; Fax 102705 - Defer filing Claims for now;

# MASTER DOCKET - From 020106 to 022106

Print : 1/25/2006 2:33:09

Page 94

Due Date	Docket Number	Attorney	Action	Application No
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2/16/2006	00862-002006-1	Warner, Steven E.	RECEIVED PER ACTION AFTER FINAL BY HAND PER ISC on 2/14/06	11/0654006
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Remarks 1.53B DIV - PAR TO ISSUE; 1ST RCE FILED 022805;

**RCE + PRELIM BY HAND PER WNW on 2/17/06**

2/16/2006	00862-002006-1	Warner, Steven E.	FINAL 2 month Office Action initial deadline	11/0654006
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Remarks IPT 011106 - RCE W/PRELIM;

**RCE + PRELIM BY HAND PER SEU on 2/10/06**

2/16/2006	00862-002006-1	Warner, Steven E.	FINAL 3 month Office Action initial deadline	10/0600004
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Remarks 1.53B DIV - PAR TO ISSUE; (P199-1499USA); EMAIL 022205 - RE: ERROR IN SBST SPEC;

**Ans + Repl Quey by hand per SEU 2/2/06**

2/16/2006	00862-002006-1	Warner, Steven E.	FINAL 3 month Office Action initial deadline	11/0654006
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Remarks FLOPPY RCD W/APLN; IPT 122805 - INSTR;

See Above

2/16/2006	00862-002006-1	Warner, Steven E.	Drawings Correction Due	11/0654006
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Remarks FLOPPY RCD W/APLN; IPT 122805 - INSTR;

**No AF**

2/16/2006	00862-002006-1	Warner, Steven E.	Foreign Filing 6 month reminder	11/0654006
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Remarks amend a/f filed 071505; 1.53b div filed 081605

**Per ASD 2/15/06**

2/16/2006	00862-002006-1	Warner, Steven E.	Foreign Publication Fee due	10/0654006
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Remarks FLOPPY RCD W/APLN; PTA=13

**NJ-DC-3-1106**

2/16/2006	00862-002006-1	Yr-Johns, Look See	FINAL 2 month Office Action initial deadline	10/0654006
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Remarks CLI LET 011303 - INQRY; FAX 101305 - CLIENT DISAGREE WITH EXAMINER;

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